

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,904,887 B2 **Confirmation No. 2971**
Date of Patent: June 14, 2005
Application No.: 10/708,972
Filing Date: April 5, 2004
Applicant: Shinji Higashide, et al.
Group Art Unit: 3747
Examiner: Andrew M. Dolinar
Title: ENGINE ACCESSORY DRIVE SYSTEM
Attorney Docket No.: 27006-00080

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Sir:

Applicant respectfully requests revival of the subject patent pursuant to 37 C.F.R. § 1.378(c) based on unintentional delay of payment of the 3 ½ year Maintenance Fee. The facts are as follows:

On February 8, 2005 the Patent Office issued a Notice of Allowance. This Notice was mailed to former counsel for the client, Ernest A. Beutler, Attorney at Law, 10 Rue Marseille, Newport Beach, California 92660. Mr. Beutler paid the Issue and Publication Fees on May 7, 2005. On June 14, 2005, Patent No. 6,904,887 B2 was issued by the Patent Office. Due to a miscommunication between former counsel for the Applicant, Mr. Beutler, and the Applicant,

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Applicant was not informed that the window for payment of the 3½ year maintenance fee opened on June 14, 2008 and that Applicant had an obligation to pay a maintenance fee no later than June 14, 2009 with an additional surcharge.

In searching the Internet, the Applicant discovered that the instant patent had gone abandoned. On October 22, 2010, current counsel Dickinson Wright PLLC was contacted by the Applicant and advised that a Notice of Allowance had been issued, the issue and publication fees paid, that the patent had issued but that the 3½ year maintenance fee had not been paid and that the patent had been abandoned. At the time of this discovery, the due date for paying the fees had passed. After communicating with the Applicant regarding these facts and the status of the case, on November 3, 2010, the Applicant instructed current counsel, Dickinson Wright PLLC, to prepare and file this Statement.

Failure to pay the 3½ year Maintenance Fee was entirely unintentional and arose without any deceptive intent. The entire period of delay has been unintentional. At no time did the Applicant intend to abandon this application.

Along with the Petition fee of \$400.00, enclosed are the 3½ year Maintenance fee of \$980.00 and the Surcharge fee of \$1,640.00. Applicant respectfully requests that the Petition Officer approve this Petition.

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The Patent Office is authorized to charge or refund any fee deficiency or excess to
Deposit Account No. 04-1061 in the name of Dickinson Wright PLLC.

Respectfully submitted,

DICKINSON WRIGHT PLLC

Date: December 13, 2010

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